IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): **Chen, et. al.**	Group Art Unit: 2616
Application Serial No.: **10/631,947**	Examiner: O'Connor, Brian T.
Filed: **July 30, 2003**	
Title: **METHOD AND SYSTEM FOR CONFIGURING GATEWAYS TO FACILITATE A MODEM CONNECTION OVER A PACKET NETWORK**	

REPLY BRIEF

Mail Stop Appeal Brief – Patents
Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

This is a Reply Brief, under 37 CFR § 1.193, in response to the Examiner's

Answer, dated April 13, 2010.

REMARKS

A. REPLY TO THE EXAMINER'S ANSWER TO APPELLANT'S ARGUMENTS IN THE APPEAL BRIEF

As discussed in the Appeal Brief, it is Appellant's position that Schulzrinne does not disclose, teach or suggest that more than a single message is sent for detecting an answer tone, i.e. either sending an ANS (or ANSam) message indicating that an answer tone without a phase reversal is detected, or sending an /ANS (or /ANSam) message indicating that an answer tone with a phase reversal is detected. In contrast, claim 1 of the present application provides transmitting a first message indicative of said answer tone; detecting a phase reversal in said answer tone; and transmitting a second message indicative of the phase reversal."

In response to Appellant's statements, the Examiner provides arguments that are in essence based on a particular disclosure in Schulzrinne at page 5, section 3.6, first sentence, to the effect that "An audio source SHOULD start transmitting event packets as soon as it recognizes an event ...." (See, page 8, lines 1-2, and page 11, lines 6-11) (emphasis added.) However, the Examiner does not state what a recognition of an event means in the reference, and the Examiner reads into the reference his assumption that a signal is recognized as ANS or ANSam "event" as soon as a 2100Hz tone detector comes on. This is incorrect and merely the Examiner's assumption without any teaching in the cited art. As explained in the cited reference, /ANS and /ANSam are the same signals as ANS and ANSam, respectively, with the difference being that /ANS and /ANSam include

a phase reversal that occurs every 450ms. Therefore, as taught in Schulzrinne, one cannot

decide whether a 2100Hz signal is indicative of ANS or /ANS until 450ms after detection

of the 2100Hz signal to determine whether there exists a phase reversal in the 2100Hz

signal or not. This fact is also established by expert's request for a change to Schulzrinne.

(See Appendices in Appeal Brief.) Further, a combination of Schulzrinne and AAPA

does not show that more than a single message is sent, because Schulzrinne is no different

than AAPA in that regard, and does not disclose that more than a single message is sent.

Since nothing in Schulzrinne discloses, teaches or suggests sending messages a way

contrary to the conventional wisdom in the art, it is presumed that a person of ordinary

skill in the art employing the system of Schulzrinne would use conventional single

message generation after confirming the 2100 Hz signal to be without phase reversal

(ANS) or with phase reversal (/ANS):

> "A person of ordinary skill in the art is also presumed to be one
> who thinks along the line of conventional wisdom in the art and is
> not one who undertakes to innovate, whether by patient, and often
> expensive, systematic research or by extraordinary insights, it makes
> no difference which." **Standard Oil Co. v. American Cyanamid
> Co.**, 774 F.2d 448, 454 (Fed. Cir. 1985) (emphasis added).

Further, the Answer Brief comments that "A feature for distinguishing the ANS

audio event from the /ANS audio event is not found in the pending claims 1, 7, 13 and

18." (See page 8, lines 17-18.) Appellant respectfully submits that this comment is

incorrect and quite puzzling to be stated at this stage, as, for example, claim 1 reads

"detecting an answer tone transmitted from said first modem over said first

communication line in response to said placing; transmitting a first message indicative of said answer tone to said second gateway device over said packet network; **detecting a phase reversal in said answer tone**; and transmitting a second message indicative of said phase reversal to said second gateway device over said packet network." Clearly, claim 1, as in claims 7, 13 and 18, does include a feature that distinguishes ANS from /ANS, by reciting "**detecting a phase reversal in said answer tone**."

Accordingly, Appellant respectfully submits that independent claims 1, 7, 13 and 18 are patentably distinguishable over the cited references, because the Examiner's interpretation of "recognition of an event" has no basis in the cited art to support sending more than a single message, and is also contrary to the conventional wisdom at the time of the invention, as well as being contrary to the understanding of experts in the field whom understood "recognition of an event" in Schulzrinne to be different than what has been presented in the Answer Brief.

B.   CONCLUSION

Based on the foregoing reasons, the present invention, as defined by independent

claims 1, 7, 13 and 18, and claims depending therefrom, is patentably distinguishable over

the art cited by the Examiner, and should be allowed.

Respectfully Submitted,
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